

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 17, 2011 at 8:00 A.M., in Room 317-A Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Jeff Essmann (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 308, 2/9/2011; SB 336, 2/9/2011; SB 337, 2/9/2011

Executive Action: SB 337-Do Pass As Amended, SB 279-Do Pass As Amended,
SB 336-Tie

HEARING ON SB 308

Opening Statement by Sponsor:

00:01:09 Sen. Cliff Larsen (D), SD 50, opened the hearing on SB 308, Provide for criminal offense for refusal of alcohol testing.

[EXHIBIT\(jus39a01\)](#)

Proponents' Testimony:

00:05:17 Rep. Edie McClafferty, HD 75, Butte, Montana

[EXHIBIT\(jus39a02\)](#)

[EXHIBIT\(jus39a03\)](#)

00:08:29 Steve Bullock, Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus39a04\)](#)

[EXHIBIT\(jus39a05\)](#)

00:13:35 Matt Cochenour, Appellate Prosecutor, Assistant Attorney General, DOJ

00:19:58 Josh Trehwella, self, Husband of Merry Jane Trehwella, killed by a drunk driver in Billings, Montana 2010

00:24:35 Jeff Hays, Prosecuting Attorney, Darby, Montana

00:28:32 Larry Epstein, Montana Police Protective Association (MPPA), Montana Chiefs of Police (MCPA), Montana County Attorney Association (MCAA)

00:30:13 Jim Smith, Montana Sheriff and Peace Officers Association (MSPOA)

00:30:58 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

[EXHIBIT\(jus39a06\)](#)

00:35:46 Kris Minard, self

00:37:50 Hiedi Handford, self

00:39:22 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ

Opponents' Testimony:

00:39:56 Katie Heitstuman, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus39a07\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:43:06 Sen. Hinkle

00:44:24 Sen. Larsen

00:46:56 Sen. Shockley

00:47:17 Mr. Hays

00:49:11 Sen. Shockley

00:49:35 Mr. Epstein

00:52:37 Mr. Cochenour

00:54:15 Sen. Murphy

00:54:49 Mr. Bullock

00:56:16 Sen. Jent
00:56:51 Mr. Bullock
00:57:53 Sen. Shockley
00:58:12 Mr. Cochenour
01:01:26 Sen. Murphy
01:02:20 Mr. Bullock

Closing by Sponsor:

01:03:25 Sen. Larsen

HEARING ON SB 337

Opening Statement by Sponsor:

01:08:13 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 337, Revise probate laws and laws relating to civil proceedings.

Proponents' Testimony:

01:11:21 Chuck Willey, Professor, Chairman, Business and Estates Committee, State Bar of Montana

EXHIBIT(jus39a08)

01:18:54 Beth Brenneman, Disability Rights Montana (DRM)
01:21:11 Dan McLean, Probate and Trust Attorney, Helena, Montana
01:24:02 Ward Shanahan, Attorney, Helena, Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:27:39 Sen. Shockley
01:28:18 Mr. Shanahan

Closing by Sponsor:

01:29:06 Sen. Blewett

01:30:06 recess
01:44:48 resume

HEARING ON SB 336

Opening Statement by Sponsor:

01:44:51 Sen. David Wanzonried (D), SD 49, opened the hearing on SB 336, Generally revise medical marijuana laws to authorize PTSD for coverage.

Proponents' Testimony:

01:49:12 Tayln Lang, Veteran

[EXHIBIT\(jus39a09\)](#)

[EXHIBIT\(jus39a10\)](#)

01:53:11 Hiedi Handford, Montana Connect, Patients Out of Time

[EXHIBIT\(jus39a11\)](#)

01:56:21 Charlie Brown, Veteran, Missoula, Montana

02:07:31 Kate Cholewa, Alliance for Cannabis Science

02:09:39 Mike Fellows, Veteran

[EXHIBIT\(jus39a12\)](#)

02:10:32 Jim Gingary, Executive Director, Montana Medical Growers Association (MMGA)

02:13:12 Joe Estenson, self

02:13:38 Tom Daubert, Patients and Family United

02:15:19 Sen. Cliff Larsen, SD 50

02:18:51 Katie Heitstuman, ACLU

02:20:38 James Locker, self

02:25:15 Doug Chyatte, Montanans for Responsible Legislation

[EXHIBIT\(jus39a13\)](#)

02:25:54 Dennis Gulyas, self

Opponents' Testimony:

02:27:43 Dan Stewart, self

[EXHIBIT\(jus39a14\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:33:55 Sen. Wanzonried

02:38:04 Chairman Murphy

(Sen. Vincent absent from room)

EXECUTIVE ACTION ON SB 337

02:47:43 **Motion:** Sen. Shockley moved that **SB 337 DO PASS.**

02:47:54 **Motion:** Sen. Blewett moved that **SB 337 BE AMENDED.**
EXHIBIT(jus39a15)

Discussion:

02:51:21 Valencia Lane, Legislative Services Division (LSD)

02:52:41 Sen. Blewett (was going to make a Conceptual Amendment, but decided not to make the amendment)

02:53:11 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Vincent voted by proxy.

02:53:00 Ms. Lane

02:54:53 **Motion:** Sen. Shockley moved that **SB 337 BE AMENDED.**
EXHIBIT(jus39a16)

Discussion:

02:54:56 Sen. Blewett
02:55:16 Sen. Shockley

02:55:45 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Vincent voted by proxy.

(Sen. Vincent present in room)

02:56:13 **Motion/Vote:** Sen. Blewett moved that **SB 337 DO PASS AS AMENDED.**
Motion carried unanimously by roll call vote. Sen. Essmann voted by proxy.

EXECUTIVE ACTION ON SB 336

02:57:13 **Motion:** Sen. Blewett moved that **SB 336 DO PASS.**

Discussion:

02:57:28 Sen. Shockley
02:59:02 Sen. Blewett
03:00:20 Sen. Hutton
03:01:11 Sen. Larsen
03:02:57 Sen. Jent
03:03:46 Sen. Hinkle
03:04:16 Sen. Shockley

03:05:42 **Vote:** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Murphy and Sen. Vincent voting aye. Sen. Essmann voted by proxy.

03:06:42 Sen. Larsen

EXECUTIVE ACTION ON SB 279

03:07:27 **Motion:** Sen. Shockley moved that **SB 279 DO PASS.**

03:08:36 **Motion:** Sen. Hinkle moved that **SB 279 BE AMENDED.**
EXHIBIT(jus39a17)

Discussion:

03:09:16 Sen. Shockley
03:09:32 Sen. Hinkle
03:09:53 Sen. Peterson
03:10:20 Sen. Murphy
03:11:45 Sen. Jent
03:12:28 Sen. Larsen
03:13:31 Sen. Hinkle
03:14:31 Sen. Murphy
03:14:42 Sen. Peterson
03:15:31 Sen. Shockley

03:15:40 **Motion:** Sen. Hinkle **WITHDREW AMENDMENT WITHOUT OBJECTION.**

03:15:47 **Motion:** Sen. Augare moved that **SB 279 BE AMENDED.**
EXHIBIT(jus39a18)

Discussion:

03:16:15 Sen. Peterson
03:17:48 Sen. Shockley

03:18:07 **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Shockley voting no. Sen. Essmann voted by proxy.

03:18:51 **Motion:** Sen. Hinkle moved that **SB 279 DO PASS AS AMENDED.**

Discussion:

03:18:59 Sen. Moss

EXHIBIT(jus39a19)

03:20:48 Sen. Hinkle

03:21:55 Sen. Moss

03:22:03 Sen. Murphy

03:22:52 Sen. Hinkle

03:23:21 Sen. Moss

03:23:52 Sen. Larsen

03:24:37 Sen. Shockley

03:25:00 Sen. Murphy

03:25:10 Sen. Larsen

03:25:47 Sen. Jent

03:27:02 **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting no. Sen. Essmann voted by proxy.

Exhibits distributed to the Committee at the conclusion of today's hearing:

EXHIBIT(jus39a20)

Regarding SB 308-Picture from Josh Trewhella of wife, Merry Jane Trewhella, killed by a drunk driver Billings, Montana, 2010

EXHIBIT(jus39a21)

Regarding SB 336-Letter from Calvina Fay, Save Our Society From Drugs, in opposition to SB 336

ADJOURNMENT

Adjournment: 11:31 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus39aad.pdf](#))